

*Board of Zoning Appeals  
Thursday, August 18, 2005  
Regular Meeting - 10:00 A.M.  
Phone # (937) 328-2495*

*County Office/Municipal Courts Building  
Public Chambers  
50 East Columbia Street, 5th Floor  
Springfield, Ohio 45501*

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## ***AGENDA***

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- |    |   |                                    |
|----|---|------------------------------------|
| 1. | <b>Minutes - July 21, 2005</b>  | <b>Discussion &amp;<br/>Action</b> |
| 2. | <b>BZA-2005-10 - Variance</b><br><b>City Forest of Clark County</b><br>2713 Lake Rd., south of 2581 Lake Rd.<br>Bethel Township | <b>Discussion &amp;<br/>Action</b> |
| 3. | <b>BZA-2005-11 - Variance</b><br><b>Bill Morgan</b><br>1225 Whaley Road<br>Bethel Township                                      | <b>Discussion &amp;<br/>Action</b> |
| 4. | <b>Adjournment</b>  | <b>Action</b>                      |

## Minutes

## Board of Zoning Appeals

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Regular Meeting  
Thursday, July 21, 2005

County Office/Municipal Courts Building  
Public Chambers  
50 E. Columbia Street, 5<sup>th</sup> Floor  
Springfield, Ohio

Chairman Perkins called the meeting to order at 10 a.m.

Present: Mr. Rich Foster, Mr. Marvin Berschet, Mr. Wilfred Potter and Mr. Allen Perkins

Absent: Mr. Lonnie Barclay

Also Present: Mr. Kelly Daniels, Clark County Zoning Inspector and other interested persons.

### **BZA-7-15-05 ~ Minutes ~ June 16, 2005**

Motion by Mr. Foster, second by Mr. Berschet to approve the minutes as printed

***VOTE: Motion carried unanimously.***

### **BZA-2005-09 ~ Variance ~ Keith and Claire Hoffman ~ 5119 S. Tecumseh Road ~ Mad River Township.**

Mr. Daniels explained the applicant was seeking a Variance of Chapter 2, Section A, Chapter 8, Section B of the Clark County Zoning Resolution. Said section requires a detached accessory building may be constructed in the front yard provided it is at least 300' from the road right-of-way. Granting the request would permit a detached accessory building to be constructed approximately 110' from the road right-of-way. The staff finds that topographical conditions applying to the land in question would create a hardship for the construction of a garage at any location other than the front yard.

Chairman Perkins swore everyone in at this time.

Mr. Hoffman explained he wanted to build a garage but due to the lay of the land there are not many options on the placement. He has lived there for 10 years and needs extra space for storage. The property is heavily wooded and hilly. He had letter from adjoining property owners stating they didn't have any problems with what he planned to do.

Chairman Perkins asked for a motion since there wasn't any rebuttal and the board members didn't have any comments or questions.

## Minutes

## Board of Zoning Appeals

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### *BZA-7-16-05 ~ Variance ~ Keith and Claire Hoffman ~ 5119 S. Tecumseh Road ~ Mad River Township.*

Motion by Mr. Potter, second by Mr. Berschet to approve the Variance of Chapter 2, Section A, Chapter 8, Section B of the Clark County Zoning Resolution to permit a detached accessory building to be constructed approximately 110' from the road right-of-way.

***VOTE: Motion carried unanimously.***

## *Adjournment*

### *BZA-7-17-05 - Adjournment*

Motion by Mr. Potter, second by Chairman Perkins to adjourn the meeting.

***VOTE: Motion carried unanimously.***

The meeting was adjourned at 10:12 a.m.

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Allen Perkins, Chairman

**BZA-2005-10 - Variance - Bethel Township  
City Forest of Clark County - 2713 Lake Rd. south of 2581 Lake Rd.**

**Date of Meeting:** August 18, 2005

**TO:** Board of Zoning Appeals

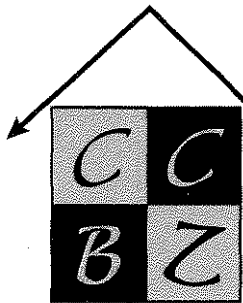
**FROM:** Planning Staff

**APPLICANTS REQUEST:**

The applicant is seeking a Variance of Chapter 2, Section B of the Clark County Zoning Resolution. Said section requires a rear setback of 50' for a dwelling on a building lot in the R-1 (Rural) Zoning District with public sewer only. Granting this request would permit a dwelling to be constructed on a R-1 (Rural) Zoning District lot with public sewer only, with a rear yard setback of 25'.

**STAFFS ANALYSIS:**

See attached letter of justification.



# Clark County Zoning Regulations

937.328.2495  
937.328.2621 fax  
email: bldgregs@co.clark.oh.us

Garfield Building  
25 W. Pleasant St  
Springfield, OH 45506

Dana R. Booghier  
Director

August 10, 2005

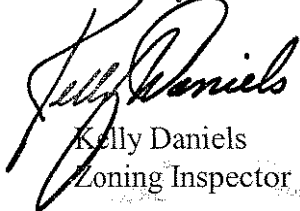
Dear Applicant:

On **August 18, 2005**, the Board of Zoning Appeals will hold a **PUBLIC HEARING** at 10:00 a.m., in the County Commission Chambers of the County Office/Municipal Building, 50 E. Columbia Street, 5th Floor, Springfield, Ohio. The purpose of this hearing is to review your request for a Variance.

Your presence or a qualified representative is required. If your request is approved, there is a 30 day waiting period after the hearing.

If you or a representative are not present at the time of your hearing, your case will not be considered.

Sincerely,



Kelly Daniels  
Zoning Inspector

la

JOHN D. EMERICH  
JAMES F. PEIFER  
QUINTON R. DRESSEL

JAMES F. PEIFER  
ATTORNEY AT LAW  
SUITE 300, THE EDISON CENTER  
20 SOUTH LIMESTONE STREET  
P. O. BOX 1087  
SPRINGFIELD, OHIO 45501-1087  
TELEPHONE 937-325-7365  
TELEFAX 937-325-9584

THOMAS T. TAGGART  
(1926-1988)  
RICHARD H. WEHLER  
(1924-1992)

July 6, 2005

ATTN KELLY DANIELS  
CLARK COUNTY BOARD OF  
ZONING APPEALS  
25 W PLEASANT ST  
SPRINGFIELD OH 45506

RE: Lake Road, Crystal Lakes, Ohio Variance  
Request for Lot Number 2, Parcel 1

Dear Mr. Daniels:

The undersigned is attorney for City Forest of Clark County, the Applicant for the above-referenced variance. This letter is submitted to further describe the reasons for the requested variance. Transmitted with this letter is the application for variance, a list of property owners and their addresses within 200 feet of the property in question, a metes and bounds legal description of the lot, an accurate map depicting the lot in question and the required application fee.

This application follows the application previously made in BZA Case No. BZA-2005-07 heard and approved by the Clark County Board of Zoning Appeals at its June 16, 2005 hearing. The purpose of the current request is to seek a variance from the rear setback requirement otherwise applicable to Parcel 1 as approved in BZA-2005-07. The history of how the applicant arrived at the posture that it is in is reflected in the explanatory letter dated May 6, 2005 accompanying BZA Case No. BZA-2005-07.

The applicant is seeking to obtain a variance for Parcel 1 as shown on the drawing accompanying the application from the required rear setback of 50 feet to reduce it to 25 feet. A drawing depicting the location of the proposed residence to be located on Parcel 1 is attached hereto and shows the need for the rear variance.

Also enclosed is a copy of the soil boring data relating to the lot. The data was previously submitted to you at the time of the previously mentioned BZA case on this matter. The applicant intends to follow the proposal accompanying the data.

Very truly yours,

  
JAMES F. PEIFER

JFP/jac  
Enclosures

NEW RESIDENCE FOR  
CITY FOREST  
PARCEL 1 LAKE ROAD  
CRYSTAL LAKES, OHIO  
05-00025-132-044



PROJECT FOR  
CITY FOREST OF CLARK COUNTY  
SCATTERED HOUSING  
SPRINGFIELD TOWNSHIP CLARK COUNTY  
SPRINGFIELD OH

Exhibit

# FAX TRANSMISSION SHEET

BOWSER-MORNER  
BOWSER-MORNER  
BOWSER-MORNER

DAYTON  
TOLEDO  
LEXINGTON

PHONE (937) 236-8805  
PHONE (419) 691-4800  
PHONE (606) 233-0250

FAX (937) 233-2016  
FAX (419) 691-4805  
FAX (606) 253-0183

PLEASE TRANSMIT THE FOLLOWING PAGES TO:

RECEIVED

NAME:

Mr. Craig Dillon

JUN 06 2005

COMPANY:

Craig E. Dillon AIA Architect

FAX NUMBER:

937-323-7094

NUMBER OF PAGES (including cover sheet)

6

DATE:

6/6/05

PAGES BEING TRANSMITTED FROM:

NAME:

Richard J. Tsang X279

MESSAGE:

Mr. Dillon: The boring logs & boring location plan are attached.

Both house sites are covered with very soft, light gray to gray lean clay which is unsuitable to support any house foundations & floor slabs.

Any foundations and buildings supported on such soft layers will

settle and crack. The removal of soil layers and replacement of compacted fill should extend to following depths:

Lot No. 1 Boring No. 1 depth (ft) = 8.5'

Lot No. 2 Boring No. 2 depth (ft) = 13.0'

Boring No. 2A depth (ft) = 28.0'

A Suitable Non-organic soil should be used for the preparation of the building pads.

IF YOU HAVE ANY PROBLEMS WITH, OR DO NOT RECEIVE ALL THE PAGES IN THIS TRANSMISSION,

PLEASE CALL THE DAYTON ☒ TOLEDO ☐ OR LEXINGTON ☐ OFFICE AT EXT. 279

If you have any questions, please call us.

BOWSER-MORNER IS AN ACCREDITED, INDEPENDENT ENGINEERING AND TESTING LABORATORY PROVIDING ANALYTICAL SCIENCES, SUBSURFACE EXPLORATION, CONSTRUCTION MONITORING AND GEOTECHNICAL ENGINEERING/ENVIRONMENTAL CONSULTING SERVICES.

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CRAIG E. DILLON AIA ARCHITECT

134636

PROJECT

SOIL STUDY FOR PROPOSED HOUSES, LOT NO. 1 & 2,  
LAKE ROAD, CRYSTAL LAKES, OHIOBORING  
STARTED 5/31/05

DRILLER

BORING  
COMPLETED 5/31/05

METHOD

2 1/4" HSA

TYPED BY

kmw

1  
Boring No.

Sheet 1 of 1

				PROJECT LOCATION																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
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## WATER LEVEL MEASUREMENTS

INITIAL	DEPTH	DATE
8.0	5/31/2005	
AT COMPLETION	6.0	5/31/2005
OTHER	N/A	N/A

- A — SPLIT SPOON
- B — ROCK CORE
- C — SHELBY TUBE
- D — SOIL PROBE
- E — AUGER CUTTINGS
- F — SONIC

 4518 TAYLORSVILLE ROAD  
 PO BOX 51  
 DAYTON, OHIO 45424  
 PH 937.236.8806  
 FAX 937.233.2016

**BOWSER  
MORNER**

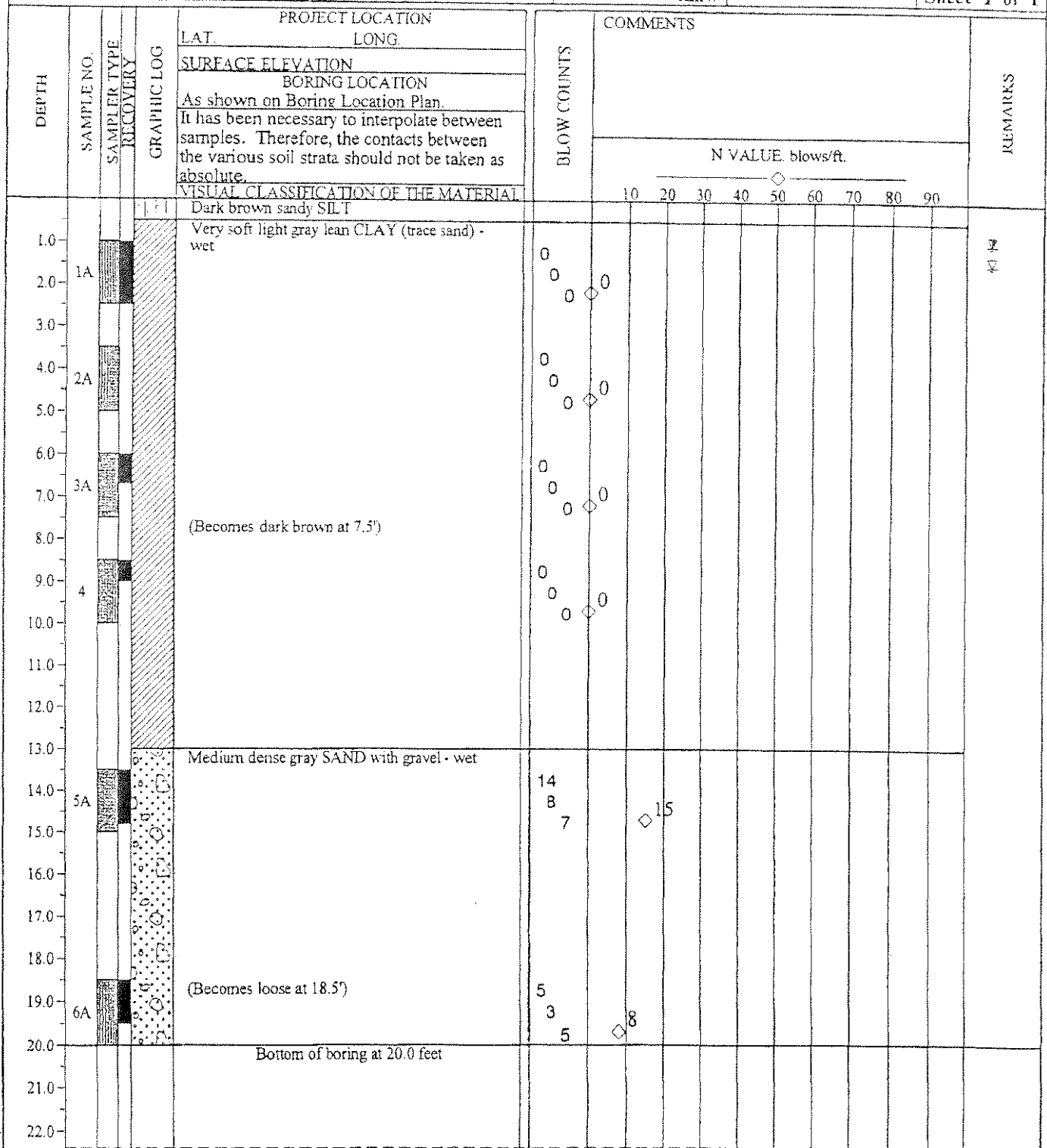
CLIENT  
**CRAIG E. DILLON AIA ARCHITECT**

134636

PROJECT  
**SOIL STUDY FOR PROPOSED HOUSES, LOT NO. 1 & 2,  
LAKE ROAD, CRYSTAL LAKES, OHIO**

BORING  
STARTED **5/27/05** BORING  
COMPLETED **5/27/05**  
DRILLER **KH** METHOD **2 1/4" HSA**  
TYPED BY **kmw**

**2**  
Boring No.  
Sheet 1 of 1

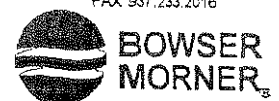


WATER LEVEL MEASUREMENTS

	DEPTH	DATE
INITIAL	1.5	5/27/2005
AT COMPLETION	1.0	5/27/2005
OTHER	N/A	N/A

- A - SPLIT SPOON
- B - ROCK CORE
- C - SHELBY TUBE
- D - SOIL PROBE
- E - AUGER CUTTINGS
- F - SONIC

4518 TAYLORSVILLE ROAD  
P.O. BOX 51  
DAYTON, OHIO 45424  
PH 937.236.8805  
FAX 937.233.2016



CLIENT  
CRAIG E. DILLON AIA ARCHITECT

JOB NO.  
134636

PROJECT  
SOIL STUDY FOR PROPOSED HOUSES, LOT NO. 1 & 2,  
LAKE ROAD, CRYSTAL LAKES, OHIO

BORING STARTED 5/31/05 BORING COMPLETED 5/31/05  
DRILLER TS METHOD 3 1/4" HSA  
TYPED BY kmw

2-A  
Boring No.







Sheet 1 of 2

				PROJECT LOCATION				COMMENTS											REMARKS															
DEPTH	SAMPLE NO.	SAMPLER TYPE RECOVERY	GRAPHIC LOG	LAT.	LONG.																													
				SURFACE ELEVATION																														
				BORING LOCATION																														
				As shown on Boring Location Plan.																														
It has been necessary to interpolate between samples. Therefore, the contacts between the various soil strata should not be taken as absolute.											N VALUE, blows/ft.																							
VISUAL CLASSIFICATION OF THE MATERIAL											10 20 30 40 50 60 70 80 90																							
1.0	1A			Dark brown sandy SILT																						+1 2								
2.0				Medium stiff dark brown sandy lean CLAY (trace gravel, trace roots) - moist																														
3.0																																		
4.0	2A			Very soft light gray lean CLAY (trace sand) - moist																														
5.0																																		
6.0																																		
7.0	3A			(Becomes very soft at 6.0')																														
8.0																																		
9.0																																		
10.0	4A																																	
11.0																																		
12.0																																		
13.0																																		
14.0	5A																																	
15.0																																		
16.0																																		
17.0																																		
18.0																																		
19.0	6A			(Becomes dark brown at 18.5')																														
20.0																																		
21.0																																		
22.0																																		

Continued Next Page

WATER LEVEL MEASUREMENTS

INITIAL	DEPTH 5.5	DATE 5/31/2005
AT COMPLETION	5.0	5/31/2005
OTHER	N/A	N/A

-  A - SPLIT SPOON
-  B - ROCK CORE
-  C - SHELBY TUBE
-  D - SOIL PROBE
-  E - AUGER CUTTINGS
-  F - SONIC

4518 TAYLORSVILLE ROAD  
PO BOX 51  
DAYTON, OHIO 45424  
PH 937.236.8805  
FAX 937.233.2016



CRAIG E. DILLON AIA ARCHITECT

134636

PROJECT

SOIL STUDY FOR PROPOSED HOUSES, LOT NO. 1 & 2,  
LAKE ROAD, CRYSTAL LAKES, OHIOBORING  
STARTED 5/31/05  
DRILLER TSBORING  
COMPLETED 5/31/05  
METHOD 3 1/4" HSA2-A  
Boring No.

TYPED BY kmw

Sheet 2 of 2

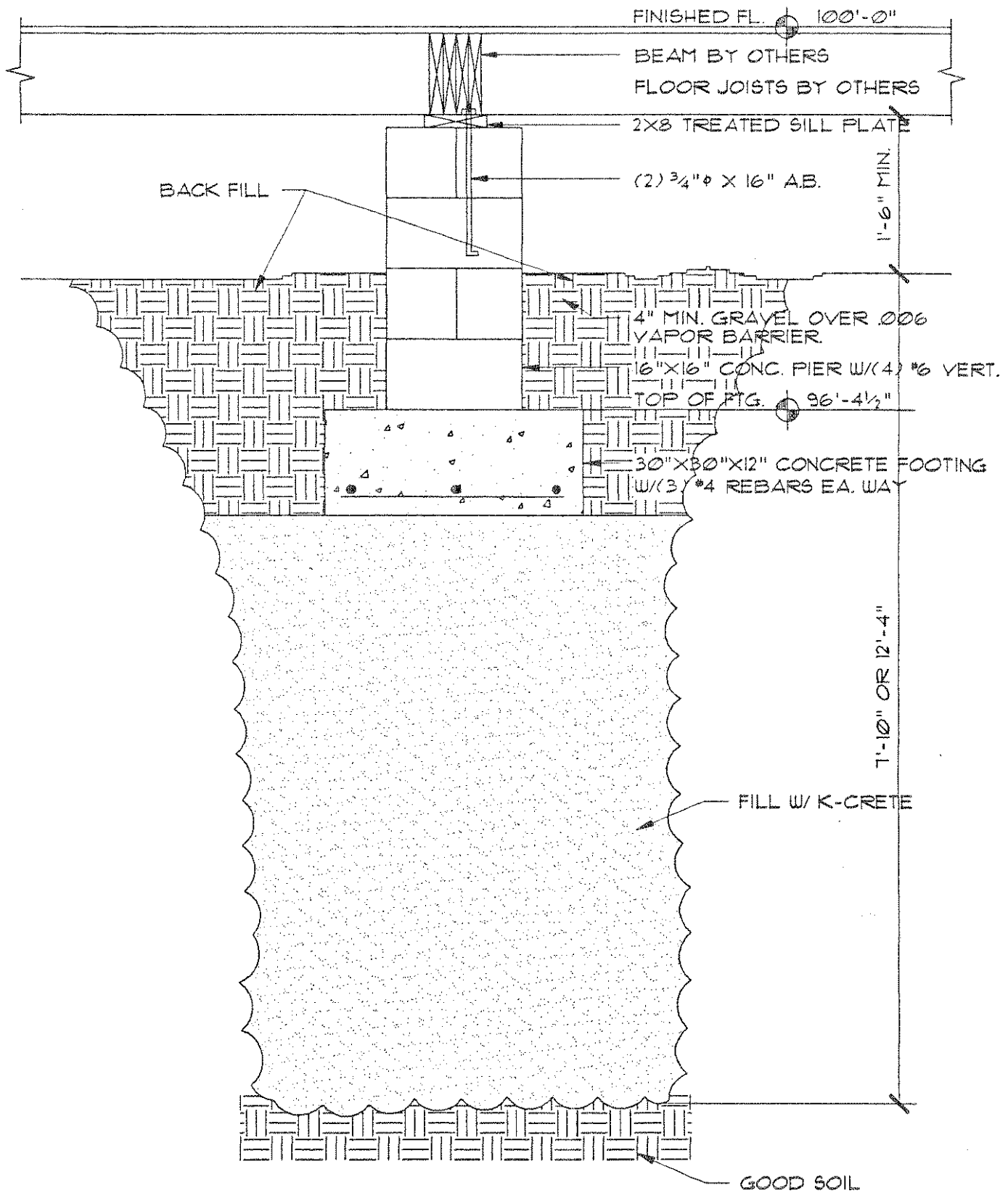
DEPTH	SAMPLE NO.	SAMPLER TYPE RECOVERY	GRAPHIC LOG	PROJECT LOCATION		BLOW COUNTS	COMMENTS											REMARKS
				LAT	LONG.													
				SURFACE ELEVATION														
				BORING LOCATION														
				As shown on Boring Location Plan.														
It has been necessary to interpolate between samples. Therefore, the contacts between the various soil strata should not be taken as absolute.																		
VISUAL CLASSIFICATION OF THE MATERIAL		N VALUE, blows/ft.																
		10 20 30 40 50 60 70 80 90																
23.0																		
24.0	7A			(Becomes soft, wet, and gray at 23.5')		1												
25.0						0												
26.0						5												
27.0																		
28.0																		
29.0	8A			Medium dense gray SAND with gravel - wet		7												
30.0						9												
31.0				Bottom of boring at 30.0 feet		11												
32.0																		
33.0																		
34.0																		
35.0																		
36.0																		
37.0																		
38.0																		
39.0																		
40.0																		
41.0																		
42.0																		
43.0																		
44.0																		
45.0																		
46.0																		
47.0																		
48.0																		

CRAIG E. DILLON AIA

105 WEST HIGH STREET  
SPRINGFIELD, OHIO 45502

ARCHITECT

937-323-7018  
fax 937-323-7084



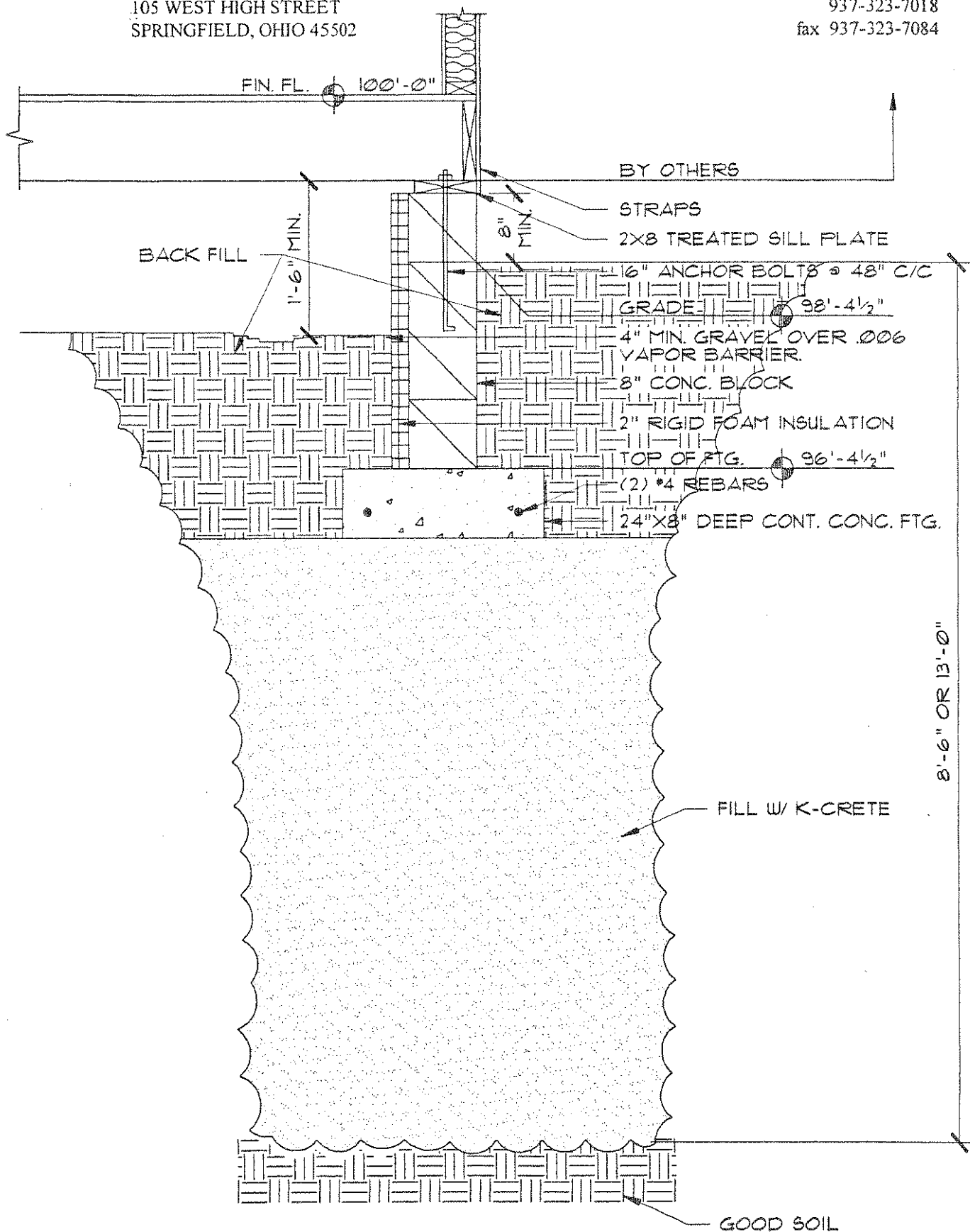
## PIER FOUNDATION FOR LAKE ROAD

SCALE: NTS

S.H.

CRAIG E. DILLON AIA  
105 WEST HIGH STREET  
SPRINGFIELD, OHIO 45502

ARCHITECT  
937-323-7018  
fax 937-323-7084



## TRENCH FOUNDATION FOR LAKE ROAD

SCALE: NTS

SH.

**BZA-2005-11 - Variance - Bethel Township  
Bill Morgan - 1225 Whaley Road**

**Date of Meeting:** August 18, 2005

**TO:** Board of Zoning Appeals

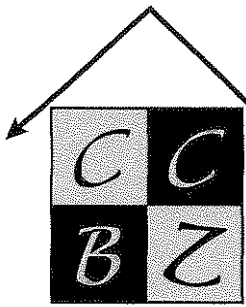
**FROM:** Planning Staff

**APPLICANTS REQUEST:**

The applicant is seeking a Variance of Chapter 2, Section A, Chapter 10, Definitions of the Clark County Zoning Resolution. Said section requires an accessory building or use shall be located on the same zoning lot as the principal building or principal use served. Granting this request would permit an accessory building to be constructed on a building lot without a principal building.

**STAFFS ANALYSIS:**

The applicant has constructed a barn without obtaining zoning and building permits. The property is zoned A-1 (Agriculture) and no principal building exists on the 6.56 acre lot. Mr. Morgan has stated that the building will be used for horses and storage.



# Clark County Zoning Regulations

937.328.2495  
937.328.2621 fax  
email: bldgregs@co.clark.oh.us

Garfield Building  
25 W. Pleasant St  
Springfield, OH 45506

Dana R. Booghter  
Director

August 10, 2005

Dear Applicant:

On **August 18, 2005**, the Board of Zoning Appeals will hold a **PUBLIC HEARING** at 10:00 a.m., in the County Commission Chambers of the County Office/Municipal Building, 50 E. Columbia Street, 5th Floor, Springfield, Ohio. The purpose of this hearing is to review your request for a Variance.

Your presence or a qualified representative is required. If your request is approved, there is a 30 day waiting period after the hearing.

If you or a representative are not present at the time of your hearing, your case will not be considered.

Sincerely,

Kelly Daniels  
Zoning Inspector

la



To. Kelly Daniels

I bought the property at 1225 Whaley  
as agricultural, not knowing that I  
needed a permit, I have built a  
48x40 barn for horses I am currently  
boarding my horses and need this land  
for them, I intend in the near future  
of building a house.

Bill S. May -  
7-7-05

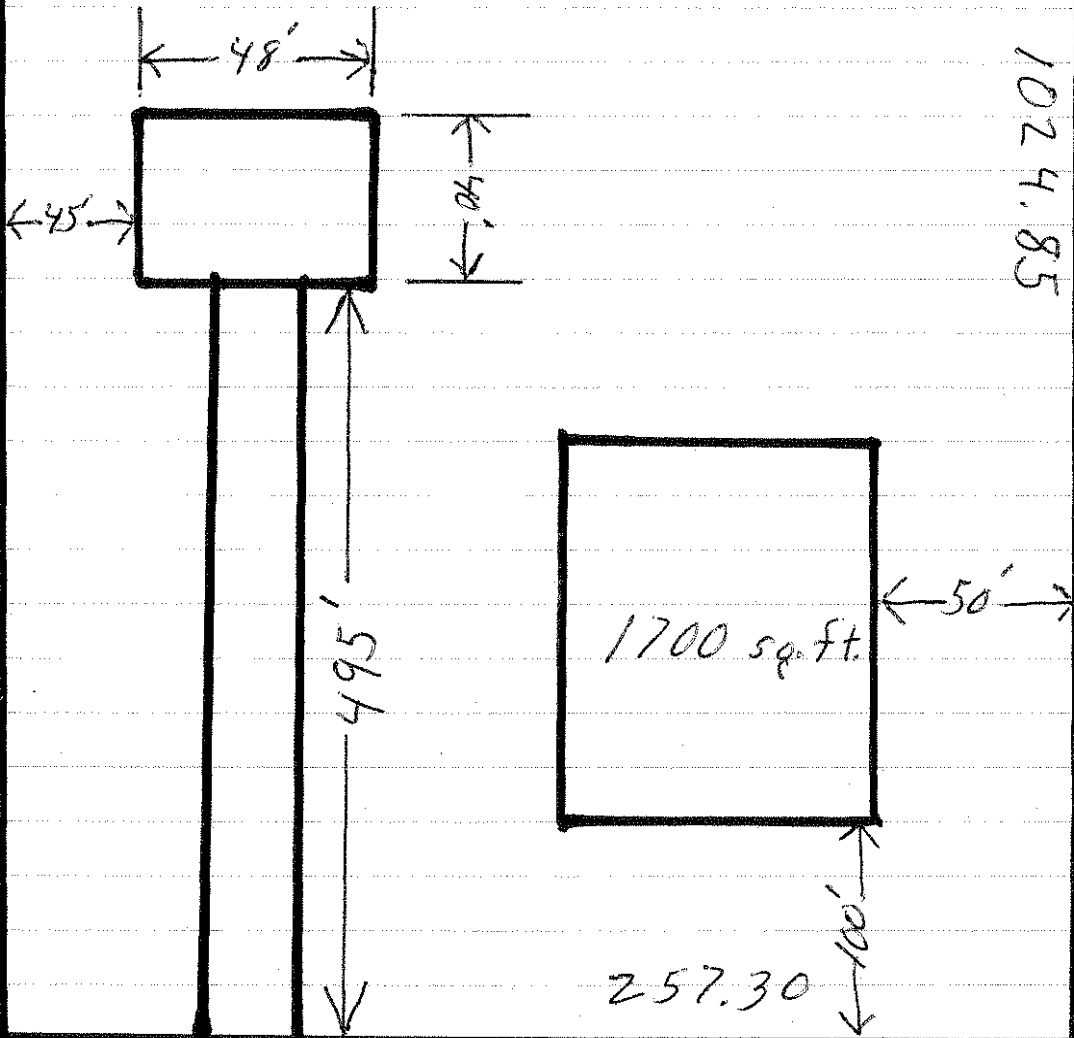
298.88

1225 Whaley Rd.

6.56

1021.85

1024.85



Whaley RD.

- post  
All post  
8' center

16 X 40  
Horse stalls

3'6"

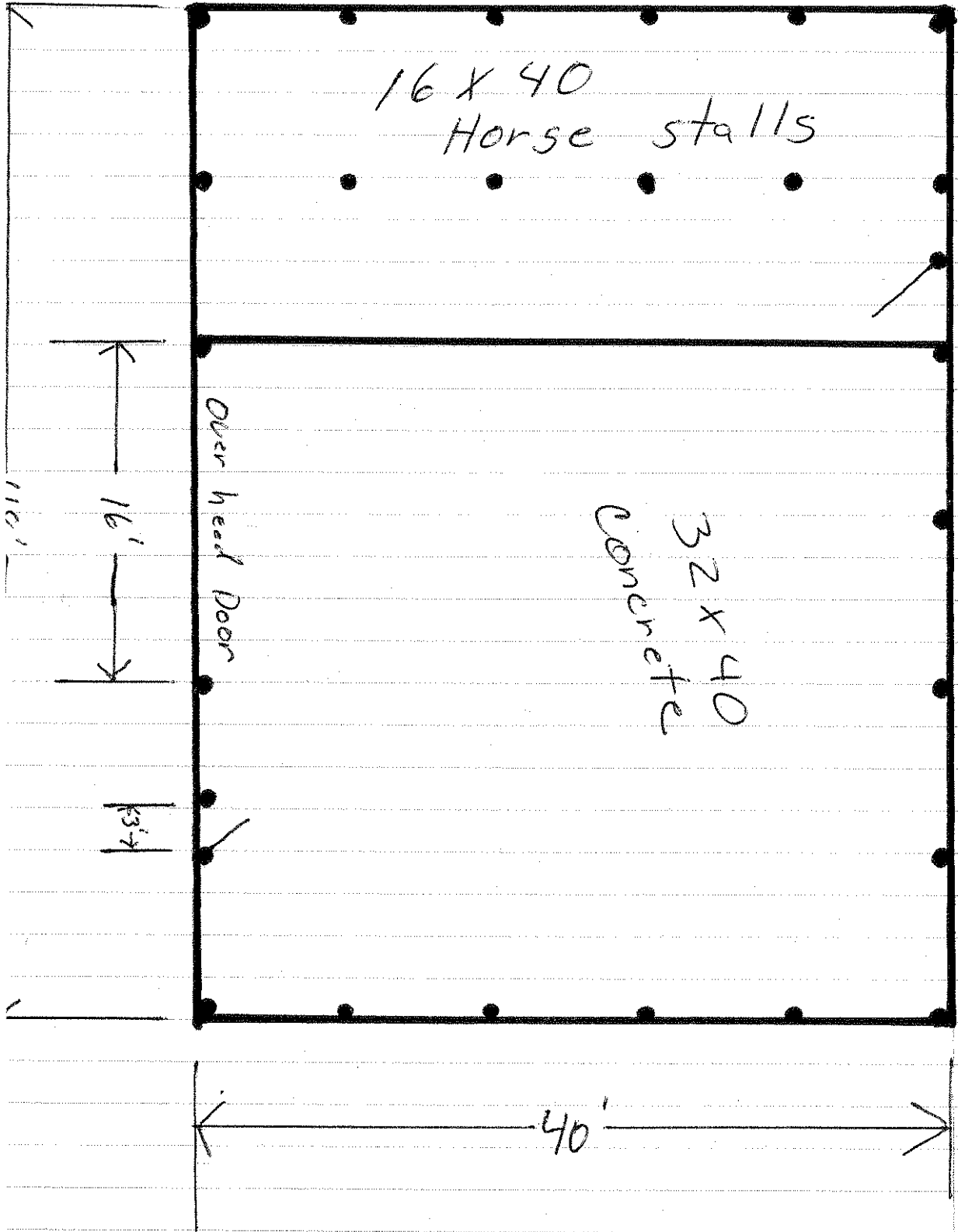
Over head Door

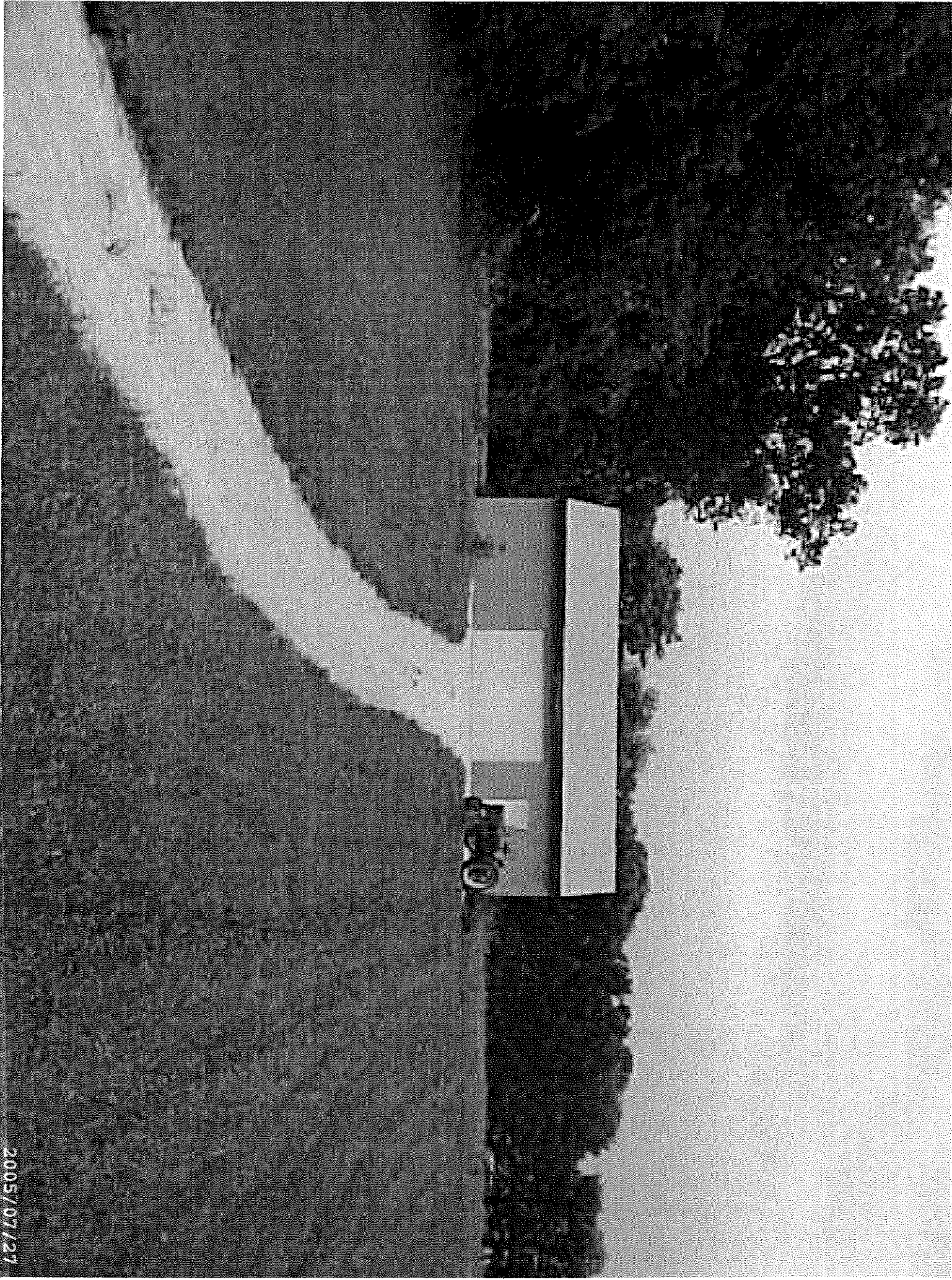
32 X 40  
concrete

16'

3'

40'





2005/07/27